IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

TUESDAY, THE 4TH DECEMBER 2007 / 13TH AGRAHAYANA 1929

RP.No. 405 of 2007(S)

AGAINST THE JUDGEMENT IN OP.22964/2002 Dated 25/02/2007
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REVIEW PETITIONER - PETITIONER

BALAGANGADHARAN, RETIRED PROGRAMME EXECUTIVE, ALL INDIA RADIO, RESIDING AT "PADMASHREE", VILLADAM, RAMAVARMAPURAM P.O., THRISSUR.

BY ADVS. SRI.VIJU ABRAHAM
SRI.JOY C. PAUL
SRI.BENOY K.KADAVAN

RESPONDENTS: RESPONDENTS
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1. UNION OF INDIA, REPRESENTED BY THE SECRETARY, MINISTRY OF INFORMATION AND BROAD CASTING, SHASTRI BHAVAN, NEW DELHI.

2. THE DIRECTOR GENERAL, ALL INDIA RADIO, NEW DELHI - 110 001.

3. THE STATION ENGINEER, ALL INDIA RADIO, THRISSUR.

BY ADV. SRI.P.PARAMESWARAN NAIR,ASST.SOLICITOR

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 04/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

KURIAN JOSEPH & HARUN-UL-RASHID,JJ.

R.P.NO. 405 OF 2007
IN
O.P.NO.22964 OF 2002

Dated this the 4th day of December, 2007

O R D E R

Kurian Joseph, J.

The review petitioner is the petitioner in O.P. No.22964 of 2002. The Original Petition was filed challenging the order passed by the Central Administrative Tribunal, Ernakulam in O.A. No.804 of 2000. The petitioner claimed the benefit of the order dated 25.2.1999 in the matter of upgradation of pay scales of certain categories of employees working in Prasar Bharathi Corporation with effect from 1.1.1996. The Tribunal rejected the claim on the ground that as on the date of the order, the petitioner was not in service. That order was upheld by this Court by the judgment in the Original Petition.

2. It is submitted that as per Annexure-1 order of the Central Administrative Tribunal, Bangalore in O.A. No.889 of 1999 and connected cases, benefits have been granted and the Prasar Bharati Corporation has implemented those orders. The petitioner apprehends that the judgment of

this Court and the order of the Tribunal will stand in the way of the petitioner approaching the Tribunal for getting similar benefits given to similarly situated persons. If as a matter of fact, the respondents have implemented the order dated 25.2.1999 by upgrading the pay scales in respect of employees who had retired prior to the date of the said order pursuant to the order passed by the Tribunal, there is no point in discriminating the petitioner since the same depicts change of stand by the respondents. Therefore, it is clarified that neither the order in O.A. No.804 of 2000 nor the judgment in O.P.No.22964 of 2002 shall stand in the way of the review petitioner approaching the second respondent for getting similar benefits as extended to the applicants in Annexure-1 order. In the event of the petitioner approaching the competent authority, the matter will be considered and appropriate action shall be taken thereon within another three months.

The Review Petition is disposed of as above.

(KURIAN JOSEPH, JUDGE)

(HARUN-UL-RASHID, JUDGE)

sp/

KURIAN JOSEPH &
HAURN-UL-RASHID, JJ.

L.A.A.NO

JUDGMENT

4TH DECEMBER, 2007

(KURIAN JOSEPH, JUDGE)

(HARUN-UL-RASHID, JUDGE)

sp/

KURIAN JOSEPH &
HAURN-UL-RASHID, JJ.

L.A.A.NO

JUDGMENT

4TH DECEMBER, 2007